

Notice of Allowability

Application No.

09/673,795

Examiner

Christopher H Yaen

Applicant(s)

TRIEBEL ET AL.

Art Unit

1642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/6/2004.
2. ☒ The allowed claim(s) is/are 7,10,11,19,20,30,31 and 64.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



GARY NICKOL
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Philip DuBois on 10/15/2004.

The application has been amended as follows:

1-6. (Canceled)

7. (Currently Amended) A peptide compound comprising ~~sequence of at least 8 consecutive amino acids, said peptide being able induce a specific T-cell immune response, the amino acid sequence being selected from the group consisting of~~ SLFEGIDIY (SEQ ID No: 1) or SLFEGIDIYT (SEQ ID No: 2).

8-9. (Canceled)

10. (Previously Presented) The peptide compound as claimed in claim 7, wherein the amino acid sequence is SEQ ID No: 1.

11. (Previously Presented) The peptide compound as claimed in claim 7, further comprising at least one element selected from the group consisting of:

- a protective chemical group able to protect peptides against proteases and reacting with NH₂ or COOH, or with both NH₂ and COOH, provided that this modification does not significantly lower the immunogenicity of the peptide,

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- chemical groups improving the effectiveness of a vaccine peptide in vivo,
- lipids or fatty acids, covalently linked to the peptide fragments so as to form lipopeptides,
- a carrier protein possessing restriction sites and enabling intact peptide fragments to be conveyed to their sites of action in the body.

12. (Canceled)

13-18. (Canceled)

19. (Previously Presented) A composition comprising a peptide compound according claim 7 and a pharmaceutically acceptable vehicle.

20. (Previously Presented) The composition as claimed in claim 19, further comprising at least one immunological adjuvant.

21-29. (Canceled)

30. (Previously Presented) The composition as claimed in claim 19, comprising a pharmaceutical vehicle which is compatible with IV, subcutaneous, oral or nasal administration.

31. (Previously Presented) The composition as claimed in claim 19 further comprising pharmaceutical vehicle chosen from positively charged liposomes, negatively charged liposomes, nanoparticles, and lipid emulsions.

32-63. (Canceled)

64. (Previously Presented) A composition comprising a peptide compound according to claim 10 and a pharmaceutically acceptable vehicle.

65. (Canceled)

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All rejections and or objections are withdrawn in view of the applicant's amendments and arguments thereto as set forth in the paper filed 7/6/2004.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher H Yaen whose telephone number is 571-272-0838. The examiner can normally be reached on Monday-Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew can be reached on 571-272-0787. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Yaen
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October 15, 2004


GARY NICKOL
PRIMARY EXAMINER